

Assembly Bill No. 2721

Passed the Assembly August 26, 2014

Chief Clerk of the Assembly

Passed the Senate August 25, 2014

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 66602 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2721, Pan. Trustees of the California State University: nonfaculty employees.

Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University. Existing law provides for the membership of the Trustees of the California State University to include 5 specified ex officio members, 16 members appointed by the Governor and subject to confirmation by the Senate, one representative of the alumni associations, 2 student members appointed by the Governor, and a faculty member appointed by the Governor.

This bill would revise the membership of the board of trustees by requiring the Governor also to appoint a permanent nonfaculty employee of the university for a 2-year term, as specified. The bill would require a systemwide staff council, as specified, to provide to the Governor a list of 2 nominees for the Governor's consideration, and would require the Governor to appoint one of the nominees. The bill would provide that the permanent nonfaculty employee member of the board shall receive actual and necessary travel expenses and \$100 for each day he or she is attending to official business of the trustees.

This bill would incorporate changes to Section 66602 of the Education Code proposed by AB 2324, to become operative if AB 2324 and this bill are chaptered and become effective on or before January 1, 2015, and this bill is chaptered last.

The people of the State of California do enact as follows:

SECTION 1. Section 66602 of the Education Code is amended to read:

66602. (a) The board shall be composed of the following five ex officio members: the Governor, the Lieutenant Governor, the

Superintendent of Public Instruction, the Speaker of the Assembly, and the person named by the trustees to serve as the Chancellor of the California State University; a representative of the alumni associations of the state university, selected for a two-year term by the alumni council, California State University, which representative shall not be an employee of the California State University during the two-year term; and 16 members appointed by the Governor and subject to confirmation by two-thirds of the membership of the Senate.

(b) (1) Two students from the California State University, who shall have at least sophomore year standing at the institutions they attend, and who remain in good standing as students during their respective terms, shall also be appointed by the Governor to serve on the board for two-year terms.

(2) In the selection of students as members of the board, the Governor shall appoint the students from lists of names of at least two, but not more than five, persons furnished by the governing board of any statewide student organization that represents the students of the California State University and the student body organizations of the campuses of the California State University. Any appointment to fill a vacancy of a student member shall be effective only for the remainder of the term of the student member's office that became vacated.

(3) The term of office of one student member of the board shall commence on July 1 of an even-numbered year and expire on June 30 two years thereafter. The term of office of the other student member of the board shall commence on July 1 of an odd-numbered year and expire on June 30 two years thereafter. Notwithstanding paragraph (1), a student member who graduates from his or her college or university on or after January 1 of the second year of his or her term of office may serve the remainder of the term.

(4) (A) During the first year of a student member's term, a student member shall be a member of the board and may attend all meetings of the board and its committees. At these meetings, a student member may fully participate in discussion and debate, but may not vote. During the second year of a student member's term, a student member may exercise the same right to attend meetings of the board, and its committees, and shall have the same

right to vote as the members appointed pursuant to subdivision (a).

(B) Notwithstanding subparagraph (A), during the first year of a student member's term, the student member may vote at a board meeting if the other student member is absent from that meeting due to illness, a family emergency, or a medical emergency.

(5) Notwithstanding paragraph (4), if a student member resigns from office or a vacancy is otherwise created in that office during the second year of a student member's term, the remaining student member shall immediately assume the office created by the vacancy and all of the participation privileges of the second-year student member, including the right to vote, for the remainder of that term of office.

(6) A student member shall have his or her tuition fee waived for the duration of his or her term of office.

(c) (1) A faculty member from the California State University, who shall be tenured at the California State University campus at which he or she teaches, shall also be appointed by the Governor to serve on the board for a two-year term. In the selection of a faculty member as a member of the board, the Governor shall appoint the faculty member from a list of names of at least two persons furnished by the Academic Senate of the California State University.

(2) The faculty member of the board appointed by the Governor pursuant to this subdivision shall not participate on any subcommittee of the board responsible for collective bargaining negotiations.

(3) The term of office of the faculty member of the board shall commence on July 1, and shall expire on June 30 two years thereafter.

(d) (1) (A) A permanent nonfaculty employee, who is not in a management personnel plan, a confidential classification, or an excluded classification, also shall be appointed by the Governor to serve on the board for a two-year term. An independent systemwide staff council formed for this purpose shall provide a list of two nominees for the Governor's consideration and the Governor shall appoint one of these nominees.

(B) The employee organizations of permanent nonfaculty employees of the California State University shall fund the council to be established pursuant to this paragraph.

(2) The permanent nonfaculty employee member of the board appointed pursuant to this subdivision shall not participate on any subcommittee of the board responsible for collective bargaining negotiations.

(3) The term of office of the permanent nonfaculty employee member of the board appointed pursuant to this subdivision shall commence on July 1 and shall expire on June 30 two years thereafter.

(4) The permanent nonfaculty employee member of the board shall receive compensation for board service only as authorized pursuant to Section 66604.5.

SEC. 1.5. Section 66602 of the Education Code is amended to read:

66602. (a) The board shall be composed of the following five ex officio members: the Governor, the Lieutenant Governor, the Superintendent of Public Instruction, the Speaker of the Assembly, and the person named by the trustees to serve as the Chancellor of the California State University; a representative of the alumni associations of the state university, selected for a two-year term by the alumni council, California State University, which representative shall not be an employee of the California State University during the two-year term; and 16 members appointed by the Governor and subject to confirmation by two-thirds of the membership of the Senate.

(b) (1) Two students from the California State University, who shall have at least sophomore year standing at the institutions they attend, and who remain in good standing as students during their respective terms, shall also be appointed by the Governor to serve on the board for two-year terms.

(2) In the selection of students as members of the board, the Governor shall appoint the students from lists of names of at least two, but not more than five, persons furnished by the governing board of any statewide student organization that represents the students of the California State University and the student body organizations of the campuses of the California State University. Any appointment to fill a vacancy of a student member shall be effective only for the remainder of the term of the student member's office that became vacated.

(3) The term of office of one student member of the board shall commence on July 1 of an even-numbered year and expire on June

30 two years thereafter. The term of office of the other student member of the board shall commence on July 1 of an odd-numbered year and expire on June 30 two years thereafter. Notwithstanding paragraph (1), a student member who graduates from his or her college or university on or after January 1 of the second year of his or her term of office may serve the remainder of the term.

(4) (A) During the first year of a student member's term, a student member shall be a member of the board and may attend all meetings of the board and its committees. At these meetings, a student member may fully participate in discussion and debate, but may not vote. During the second year of a student member's term, a student member may exercise the same right to attend meetings of the board, and its committees, and shall have the same right to vote as the members appointed pursuant to subdivision (a).

(B) Notwithstanding subparagraph (A), during the first year of a student member's term, the student member may vote at a board meeting if the other student member is absent from that meeting due to illness, a family emergency, or a medical emergency.

(5) Notwithstanding paragraph (4), if a student member resigns from office or a vacancy is otherwise created in that office during the second year of a student member's term, the remaining student member shall immediately assume the office created by the vacancy and all of the participation privileges of the second-year student member, including the right to vote, for the remainder of that term of office.

(6) A student member shall have his or her tuition fee waived for the duration of his or her term of office.

(c) (1) A faculty member from the California State University, who shall be tenured at the California State University campus at which he or she teaches, shall also be appointed by the Governor to serve on the board for a two-year term. In the selection of a faculty member as a member of the board, the Governor shall appoint the faculty member from a list of names of at least two persons furnished by the Academic Senate of the California State University.

(2) The faculty member of the board appointed by the Governor pursuant to this subdivision shall not participate on any

subcommittee of the board responsible for collective bargaining negotiations.

(3) The two-year term of office of the faculty member of the board shall commence on July 1, and, if the Governor has not appointed a successor under paragraph (1), the faculty member may remain in office after the term expires for one additional year, or until a successor is appointed by the Governor, whichever occurs first.

(d) (1) (A) A permanent nonfaculty employee, who is not in a management personnel plan, a confidential classification, or an excluded classification, also shall be appointed by the Governor to serve on the board for a two-year term. An independent systemwide staff council formed for this purpose shall provide a list of two nominees for the Governor's consideration and the Governor shall appoint one of these nominees.

(B) The employee organizations of permanent nonfaculty employees of the California State University shall fund the council to be established pursuant to this paragraph.

(2) The permanent nonfaculty employee member of the board appointed pursuant to this subdivision shall not participate on any subcommittee of the board responsible for collective bargaining negotiations.

(3) The term of office of the permanent nonfaculty employee member of the board appointed pursuant to this subdivision shall commence on July 1 and shall expire on June 30 two years thereafter.

(4) The permanent nonfaculty employee member of the board shall receive compensation for board service only as authorized pursuant to Section 66604.5.

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 66602 of the Education Code proposed by both this bill and AB 2324. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 66602 of the Education Code, and (3) this bill is enacted after AB 2324, in which case Section 1 of this bill shall not become operative.

Approved _____, 2014

Governor